



PUBLIC UTILITIES COMMISSION

Bethel Municipal Center, 1 School Street
Bethel, Connecticut 06801 Telephone: (203) 794-8501

MINUTES OF SPECIAL MEETING

Monday, March 8, 2010

4:00 p.m.

C.J. Hurgin Municipal Center – Meeting Room “A”

RECEIVED
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TOWN OF BETHEL
TOWN CLERK

Present: First Selectman Matthew Knickerbocker, Selectmen Richard Straiton, Selectman Paul Szatkowski and Commissioners Michael Gribbin and Peter Valenti. Also in attendance were Town Engineer Andrew Morosky, Utility Consultant Len Assard, and Utility Supervisor Kelly Curtis.

Call to Order: First Selectman Knickerbocker called the Regular Meeting to order at 4:00 p.m. and led the Pledge of Allegiance.

Public Input: The following residents of the various condominium associations spoke regarding the anticipated increase to the private fire hydrant rates. (The current rate of \$200 per hydrant is scheduled to increase to \$952 per hydrant for the next billing cycle in January 2011. Chairman Knickerbocker sent letters to all the residents in condominium complexes with private hydrants informing them of the upcoming rate change):

Noreen Hochsprung of the Original Plumtrees Heights Homeowners Association spoke against the increase.

Richard Mellin, Condominium Association Property Managing Agent, spoke against the increase. He requested that the Commission eliminate the hydrant fee and have the whole town pay for all hydrants equally. He noted that 18 of the 59 private hydrants are on property he manages.

Tom G. of 21 Huntington Court indicated that the Town's residents should pay equally for fire protection.

James Seaver, former Treasurer of Plumtrees Heights Association, spoke against the hike as well, indicating that it is a double tax.

Jack Hawkins, 88 Kingswood Drive, spoke against the “hydrant tax”, all residents should pay equally.

Todd Wordell, 11 Kingswood Drive, spoke against the “hydrant tax”, should be done away with and all charges fairly disbursed.

Camille Watson of 15 Eagle Rock Hill spoke and confirmed she is in agreement with Mr. Mellin.

First Selectman Knickerbocker spoke regarding the many factors that justify a hydrant charge.

Selectman Straiton indicated that the private associations own and are responsible for their own hydrants as well as their roads.

First Selectman Knickerbocker explained how the Water and Sewer Departments are fiscally related to the Town but that their employees and operational costs are paid solely by the Water/Sewer collections, adding that the Town of Bethel is one of the lowest-cost utilities in the area. Mr. Knickerbocker added he would like a fair conclusion for all sides and that the Commission has hired Woodcock Associates to re-evaluate the study they did back in 2007.

An unidentified resident noted the various associations already pay for hydrants in their association bills and wanted to know why they are getting charged twice?

Marilyn of 90 Kingswood, asked if anyone knew the number of homes in the Town of Bethel.

First Selectman Knickerbocker indicated the committee doesn't have that information on hand but will find the answer. He indicated that the Commission understands their concerns of those who spoke against the proposed rate increase and will work toward a different solution.

Lenny Assard explained that the cost of Fire Protection is not inexpensive and the sources which provide water to the hydrants need to be maintained as well. Eureka and Chestnut Ridge Water Treatment Plants and the Maple Avenue Wells all need to be maintained. In addition, United Water Company plans to charge the Town of Bethel approximately the same (\$950) cost for each of their hydrants in Stony Hill.

Resident from 22 Nature View asked the commission if they agreed they are double taxed. First Selectman Knickerbocker responded he wouldn't comment but reiterated that the consultant (Woodcock Associates) will examine the issue and report back with recommendations in time for the Commission's May meeting.

Resident, Kingswood Association, indicated they already spend \$25,000 a year in maintaining their water system.

Commissioner Valenti explained some of the history of the various condominium associations, indicating that the plans were pre-approved and the Public Utilities Commission had no say in how their facilities were built. Mr. Valenti pointed out that years ago a control part failed and caused the fire pump serving the condominium association to dump many thousands of gallons of water per day that nobody paid for.

Mr. Morosky added that there have been other leaks in some of the private systems over the years that were not metered.

Commissioner Gribbin explained that this process needs to be fair for all the tax payers in town. For example, the Chimney Heights area has Fire Protection and they pay for it in their taxes. Also all of this area of Town is either on well or has United Water but they support the Water/ Sewer Department in their taxes as well.

First Selectman Knickerbocker also indicated that the cost of the Town's Insurance will be affected if proper Fire Protection is not provided; the town's rating can be in jeopardy if we don't properly maintain the fire protection system. He went on to indicate to the attendees that they have been heard but the meeting needs to continue with the remainder of the Agenda.

Correspondence: Letter from the Plumtree Heights Owners Association, Inc. noted.

Meeting Minutes from Regular Meeting February 1, 2010: Selectman Szatkowski made a motion, which was seconded by Commissioner Valenti, to approve the minutes as presented. Vote, all in favor, motion unanimously approved.

Old Business: (None)

Financial Report:

Water and Sewer Financial Status Reports so noted. Selectman Szatkowski expressed that he would like the Comptroller to attend the Commission's meetings; Commissioners Valenti and Gribbin agreed.

A discussion took place about the information contained in the financials and the Comptroller's status as a part-time contract employee who could potentially retire in the near future and may not be able to provide services to the Commission.

A Motion was made by Selectman Straiton which was seconded by Commissioner Valenti to authorize the First Selectman to investigate hiring a new financial professional to report to the Commission. Vote, all in favor, motion unanimously approved.

Engineering / Utility Consultant Report:

Grants:

Eureka Water Storage Tank: Mr. Morosky reviewed the status of communications with Danbury. First Selectman Knickerbocker and Mr. Morosky have a meeting set for tomorrow with Danbury's Mayor and Engineering Department. Mr. Morosky reviewed with the commissioners all the recent changes that were made to the tank's landscape plans. Additional trees will surround the tank as well as a fence and the fill around the tank was increased two feet to further bury the tank in accordance with Danbury's expressed concerns.

Stony Hill Sewer Project:

Ken Kemp, Representative of URS updated the commission on the following items; Walnut Hill Road Pump Station, power should be up and running by next month as well as testing of the pumps and the system.

Ludlow will be cleaning out the manholes and working on items on the punch list.

Selectman Straiton expressed his dissatisfaction with the low pressure main solution on the lower portion of Payne Road. Selectman Straiton questioned Ken Kemp regarding this force main. Mr. Kemp explained to the commissioners the history of this force main.

Commissioner Valenti also expressed his dissatisfaction with the low pressure force main and would like a detailed account for where all the funds for this project is going.

Discussion took place between the commissioners and Mr. Morosky regarding the financials for the sewer project.

Commissioner Valenti expressed his dissatisfaction regarding the cost of the project and expressed that the financials are terrible. Commissioner Valenti requested the following information: 1.) A detailed record of the cost of each easement and a total of all the easements. 2.) The cost for lawyer fees 3.) Total cost for each part of the sewer project by contract.

Commissioner Valenti would also like to know when and where the \$200,000 from the Lexington Meadows project was deposited in the Sewer Department. That money should have been distributed into the Sewer Department.

Commissioner Valenti would like to know when the fence will be put back up at Meckauer Park, Ken Kemp has an understanding that since the Pump Station location was moved Ludlow wouldn't be responsible to replace the fence. Mr. Morosky will contact Ludlow to resolve.

Easements for Phase 3: Discussion took place regarding the easements for the Adams Drive area. Mr. Morosky indicated that Attorney Lawlor is wrapping up the last two agreements and had planned to present the language to the Commission at today's meeting.

Commissioner Valenti indicated that on Walnut Hill across from Colonial Drive there's a large depression in the road. Ken Kemp indicated that Ludlow will correct the problem in the road.

Ken Kemp asked the commission if there was enough funding to complete the project; Mr. Morosky indicated there's a projected shortfall of approximately \$1.5 Million. Commission will need to either find Grant Money for the balance of the project or go back to the Town for a vote or scale back the project in its entirety to reduce the cost.

Supervisor's Report

Utility Supervisor Kelly Curtis reported a service leak in two areas, one on Whittlesey by Reynolds Ridge and the other on Main Street. The one on Whittlesey was difficult due to incomplete mapping for the water mains in that area. The missing main was traced and its location noted for future reference.

Mr. Curtis indicated Plumtrees Pump Station is still a high propriety for the Town. Mr. Curtis indicated the pavement project on Route 53 which the state was going to start has been put off for the time being. The Condo's above Apollo Road started their testing of the pump station and fire pump station is all working well.

Mr. Curtis indicated Paul Street pumps are being maintained and that the preventive maintenance program is now underway.

Mr. Curtis would like to re-start the search for a worker to replace the late John Poklemba. Mr. Curtis indicated that the certification requirements may have to be modified to open the field to more candidates.

New Business:

Oven Rock Partners

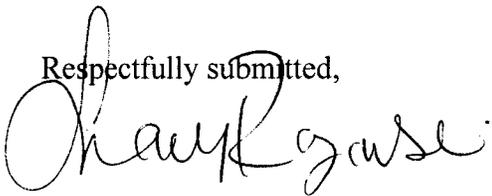
Ryan McCain, attorney representing the developers of this project, discussed with the Commission the changes that have been made with this project, which started out in spring of 2005. It is now a 13-unit project which was scaled back for the approval of the land use commissions. This project is located between Knollwood Drive, Bethpage Drive and Reservoir Street.

Steven Sullivan, Engineer from CCA, spoke also about the project.

Mr. Sullivan also questioned when Vail Road would have sewers. As there is uncertainty with the financial status of the Stony Hill Sewer project, a date could not be given at this meeting.

Adjourn: As there was no further business on the agenda First Selectman Knickerbocker made a motion, which was seconded by, Selectman Straiton adjourn the meeting at 6:05 Vote, all in favor, motion unanimously approved.

Respectfully submitted,



Tracy Rogalski, Recording Secretary

Original Plumtree Heights Owners Association, Inc.

1 Nature View Trail □ Bethel, CT 06801 □ (203) 938-3172

February 19, 2010

Matthew S. Knickerbocker
First Selectman's Office
Clifford J. Hurgin Municipal Center
1 School Street
Bethel, CT 06801

Dear Mr Knickerbocker:

The Original Plumtree Heights Owners Association, Inc. (OPHOA) has received the 2010 annual hydrant bill and January 19, 2010 notice that effective with the annual billing in January 2011, the rates for the hydrant charges will increase from \$200 per hydrant to \$952.00 per hydrant ... a FOUR HUNDRED SEVENTY SIX (476%) PERCENT increase.

Unlike other Town of Bethel residents, condominium owners pay significantly more for many public works services, including street maintenance, snow removal, street light maintenance and service, and catch basin maintenance. The Town of Bethel condominium owners are forced to contract for and pay for these services on their property and also pay for them like other residents through their individual town real estate tax assessment.

Many of our unit owners can ill-afford to pay this double taxation particularly the ill and elderly who are retired in our communities. Condominium owners do not object to taxes for fire and police protection, the educational system and other services provided by the town for the benefit of all town residents. They resent however unfair double taxation.

Condominium owners are being treated unfairly with regard to the hydrants bill. Town residents are not charged a hydrant tax and are provided hydrant service at no additional cost. Condominium associations pay a fire service protection "private tax" while the Town of Bethel funds the "public tax" for fire hydrants to maintain the 254 public hydrants. To add insult to this injurious tax, the Town of Bethel requires condominium associations to maintain and test their own hydrants incurring no cost to the town of Bethel for the maintenance and inspection of condominium hydrants.

This tax will cost each OPHOA unit owner \$49.58 annually (through their OPHOA common charges) and will require an increase in their monthly common charges just for this one unfair tax. Our members, as well as the hundreds of condominium owners living in the other condominium associations, are concerned about the incremental cost of providing our own municipal services that puts condominium owners at a competitive disadvantage vis-a-vis other town residents with regard to living costs and property values.

Historically real estate developers of condominiums have assumed responsibility for town municipal services in order to obtain town support for their development plan. Many towns

in Connecticut have mistakenly argued that these agreements are basically in perpetuity and all purchasers of condominium in the development are bound by them. However, the current owners of condominium units had no voice in the negotiation of these agreements and the obligations they impose upon them. These agreements are unconscionable and must be eliminated. (For an example of what constitutes an unconscionable agreement, see Chapter 828 of the Connecticut General Statutes, Section 47-210.)

Some towns maintain that they have no obligation to provide or reimburse for the services in question and there is no statutory authority to do so. Several other Eastern Seaboard states, including Maryland, New Jersey and Rhode Island, are addressing this same problem because it a major issue of fairness and of leveling the playing field between single family home owners and condominium owners.

The hydrant tax increase does not "reflect those charged by neighboring communities"... in fact, our four bordering neighboring towns of Danbury, Brookfield, Newtown, and Redding have no fire hydrant tax. A few Connecticut towns have addressed their fire hydrant charges and eliminated them. An Office of Legislative Research Report (2001-R-0528) indicates that 11 towns compensate condominiums for some town services the condominiums provide. Branford, Milford, Stamford, Newington, Norwalk and South Windsor all either now provide some of these municipal services to condominiums or reimburse the condominiums for those services. The voters in Vernon, CT elected into office new town officials on the promise to eliminate their town's unfair hydrant tax.

The OPHOA Board of Directors will no longer accept this unfair hydrant tax and will be getting involved in having this tax eliminated starting at the next Public Utility Commission meeting on March 1, 2010 at 4:00 pm at the Bethel Municipal Center.

Cordially,

The Board of Directors

Original Plumtree Heights Owners Association, Inc.

- Noreen Hochsprung, President
- Lawrence Williams, Vice President
- Lori Schaffer, Treasurer
- Gloria Stith, Secretary
- Barbara Cox
- Carol Cheslock
- Emily Ciffone
- Naomi Hambrecht
- Michele Russo

CC: Richard C. Straiton, Selectman
Paul R. Szatkowski, Selectman
OPHOA Unit Owners

cc MIKE Gaibbin